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set forth the particulars of the damage sufficiently to enable defendant to know what is relied on.

2. In an action for slander by spoken words there can be no recovery, in the absence of a plea and proof of special damages, unless the words impute the commission of a crime. *Doyle v. Kirby* (Mass.), 68 N. E. 843.

ATTORNEYS — CONTINGENT FEE — PROSECUTION OF ERROR. — Attorneys who have undertaken to establish, for a contingent fee, a client's right to a fund in court, and who, after rendering valuable services, have been defeated in the district court, and who have furnished a supersedeas bond to retain the fund, and are taking steps to have the decision against their client reviewed on error, are entitled, when their client under these circumstances refuses to pay them and instructs them to proceed no further on her behalf, to be allowed to prosecute error proceedings in her name on their own behalf, in order to collect their contingent fee out of the fund still in court, if they can establish their client's right to it. *Counzman v. Modern Woodmen* (Neb.), 98 N. W. 414.

ORIGINAL JURISDICTION—SUITS BETWEEN STATES ON STATE BONDS—NECESSARY PARTIES DEFENDANT. — Individual owners of bonds issued by the state of North Carolina, each of which is secured by a separate mortgage of ten shares of railroad stock belonging to that state, are not necessary parties defendant to a suit by the state of South Dakota, as the owner of certain of these bonds, to compel payment and a subjection of the mortgaged property to the satisfaction of the debt.

The original jurisdiction of the Federal Supreme Court, under U. S. Const., art. 3, sec. 2, over "controversies between two or more states," extends to a suit by the state of South Dakota as the donee of the holders of certain bonds issued by the state of North Carolina, and secured by a mortgage of railroad stock belonging to that state, to compel payment of the bonds and a subjection of the mortgaged property to the satisfaction of the debt. *South Dakota v. North Carolina*, 24 Sup. Ct. 269. Four members of the court dissent from this decision "as disregarding an express and absolute provision of the Constitution."

BANKS AND BANKING—EFFECT OF DEPOSIT OF CHECK IN BANK. — When, in the absence of fraud, a check is presented in bank by the payee, and received as a deposit, and credited on his account in the bank, the check is paid. The transaction is the same in effect as if the cash had been handed to the payee, and by him returned to the bank. This result does not depend on the amount of cash in the bank being equal to the check, nor on the financial condition of the bank, as shown later on a settlement of its affairs after insolvency. *Montgomery County v. Cochran* (C. C. A., Fifth Circuit), 126 Fed. 456.

Per Shelby, Circuit Judge:

"The transaction is the same as if the cash had been handed the depositor,